



April 7, 2009

ENGROSSED SENATE BILL No. 464

DIGEST OF SB 464 (Updated April 2, 2009 8:26 am - DI 77)

Citations Affected: IC 16-18; IC 16-19; IC 16-21; IC 33-37.

Synopsis: State trauma care. Creates the trauma care hospital fund to be administered by the state department of health to assist in funding a trauma care system in Indiana. Includes funds from additional court fees for certain motor vehicle violations. Establishes the state trauma care committee.

Effective: July 1, 2009.

**Wyss, Miller, Broden, Merritt,
Charbonneau, Rogers, Randolph**
(HOUSE SPONSORS — BROWN C, BROWN T)

January 14, 2009, read first time and referred to Committee on Health and Provider Services.

February 5, 2009, amended, reported favorably — Do Pass.

February 9, 2009, read second time, amended, ordered engrossed.

February 10, 2009, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 25, 2009, read first time and referred to Committee on Rules and Legislative Procedure.

April 6, 2009, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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ES 464—LS 7501/DI 104+



April 7, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 464

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-18-2-62.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: **Sec. 62.5. "Committee", for purposes**
4 **of IC 16-19-14, refers to the state trauma care committee**
5 **established by IC 16-19-14-2.**
- 6 SECTION 2. IC 16-18-2-354.5, AS ADDED BY P.L.155-2006,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2009]: Sec. 354.5. "Trauma care", for purposes of
9 IC 16-19-3-28 **and IC 16-19-14**, means the assessment, diagnosis,
10 transportation, treatment, or rehabilitation by a health care provider of
11 an acute bodily injury that requires immediate intervention to prevent
12 the loss of life or a serious impairment of a body function or part.
- 13 SECTION 3. IC 16-18-2-143, AS AMENDED BY P.L.102-2008,
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2009]: Sec. 143. (a) **"Fund", for purposes of IC 16-21-10,**
16 **has the meaning set forth in IC 16-21-10-1.**
- 17 ~~(a)~~ (b) "Fund", for purposes of IC 16-26-2, has the meaning set forth

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in IC 16-26-2-2.

~~(b)~~ (c) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.

~~(c)~~ (d) "Fund", for purposes of IC 16-41-39.4, refers to the childhood lead poisoning prevention fund established by IC 16-41-39.4-3.1.

~~(d)~~ (e) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

~~(e)~~ (f) "Fund", for purposes of IC 16-46-12, has the meaning set forth in IC 16-46-12-1.

~~(f)~~ (g) "Fund", for purposes of IC 16-41-42.2, has the meaning set forth in IC 16-41-42.2-2.

SECTION 4. IC 16-19-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 14. State Trauma Care Committee

Sec. 1. As used in this chapter, "committee" refers to the state trauma care committee established by section 2 of this chapter.

Sec. 2. (a) The state trauma care committee is established. The committee consists of the following members:

(1) The state health commissioner or the commissioner's designee.

(2) The executive director of the department of homeland security or the executive director's designee.

(3) One (1) physician licensed under IC 25-22.5 appointed by each hospital in Indiana that has an accredited level I or level II trauma center.

(4) One (1) emergency medicine physician licensed under IC 25-22.5 appointed by the Indiana Chapter of the American College of Emergency Physicians.

(5) One (1) emergency medical services provider appointed by the speaker of the house.

(6) One (1) individual representing fire rescue services appointed by the president pro tempore of the senate.

(7) Two (2) nurses licensed under IC 25-23 who are employed as trauma care coordinators appointed by the governor.

(8) Two (2) physicians licensed under IC 25-22.5 from a hospital that:

(A) is not accredited as a level I or level II trauma care center; and

(B) is located in either a rural area or Gary; appointed by the Indiana State Medical Association.

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(9) A representative from the Indiana Hospital Association that is not from Marion County.

The health commissioner shall appoint the chairperson of the committee.

(b) Appointed members of the committee shall serve a term of two (2) years. However, a member may be reappointed by the appointing authority for one (1) additional term. The appointing authority may remove for cause a member of the committee and fill vacancies of members on the committee.

(c) The state department shall staff the committee.

Sec. 3. The committee shall advise the state department in the development and implementation of a comprehensive statewide trauma system.

Sec. 4. The affirmative votes of a majority of the members on the committee are required for the committee to take action on any measure, including final reports.

SECTION 5. IC 16-21-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 10. Trauma Care Hospital Fund

Sec. 1. As used in this chapter, "fund" refers to the trauma care hospital fund established by section 2 of this chapter.

Sec. 2. (a) The trauma care hospital fund is established to assist in funding a trauma care system to prevent injuries, save lives, and improve the care and outcome of individuals injured in Indiana.

(b) The fund shall be administered by the state department.

(c) The fund consists of:

(1) appropriations;

(2) gifts and bequests;

(3) fees deposited in the fund under IC 33-37-7-2; and

(4) grants received from the federal government or private sources.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 3. The fund is to be used to establish and maintain an appropriate level of trauma care access in Indiana.

Sec. 4. (a) The state department shall make quarterly payments

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from the fund to a hospital with a level I or a level II trauma care center. The state department shall determine the amount to be paid to a trauma care center hospital described in this section, factoring in the following:

(1) Whether the hospital is designated as a level I or a level II trauma care center.

(2) The number of trauma care patients provided care by the trauma care center in the previous quarter.

(b) The state department may determine whether to make a payment from the fund to a hospital that is attempting to obtain level I or level II trauma care center designation based on whether there is an unmet trauma care need in the area of Indiana where the hospital is located.

Sec. 5. The state department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 6. IC 33-37-4-2, AS AMENDED BY P.L.176-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).

(3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(5) A highway work zone fee (IC 33-37-5-14).

(6) A deferred prosecution fee (IC 33-37-5-17).

(7) A jury fee (IC 33-37-5-19).

(8) A document storage fee (IC 33-37-5-20).

(9) An automated record keeping fee (IC 33-37-5-21).

(10) A late payment fee (IC 33-37-5-22).

(11) A public defense administration fee (IC 33-37-5-21.2).

(12) A judicial insurance adjustment fee (IC 33-37-5-25).

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- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).
- (16) A speeding violation fee (IC 33-37-5-30).**
- (17) A passenger restraint violation fee (IC 33-37-5-31).**
- (18) A driving while a license is suspended fee (IC 33-37-5-32).**
- (19) An operating while intoxicated and endangering a person fee (IC 33-37-5-33).**
- (20) A disregard for stop sign fee (IC 33-37-5-34).**
- (21) A disregard of traffic signal fee (IC 33-37-5-35).**
- (22) An operating while intoxicated fee (IC 33-37-5-36).**
- (23) A child restraint violation fee (IC 33-37-5-37).**
- (24) A disregard of traffic control device fee (IC 33-37-5-38).**
- (25) A prior operating while intoxicated fee (IC 33-37-5-39).**
- (26) A following too closely fee (IC 33-37-5-40).**
- (27) A reckless driving fee (IC 33-37-5-41).**
- (28) An unsafe lane movement fee (IC 33-37-5-42).**
- (29) A yield sign violation fee (IC 33-37-5-43).**
- (30) An improper turn at intersection fee (IC 33-37-5-44).**
- (31) A driving left of center fee (IC 33-37-5-45).**
- (32) An offense relating to controlled substances while using a motor vehicle fee (IC 33-37-5-46).**
- (33) A passing in a no passing zone fee (IC 33-37-5-47).**
- (34) A driving on the wrong side of the road fee (IC 33-37-5-48).**
- (35) A driving the wrong way on a one-way road fee (IC 33-7-5-49).**
- (36) An improper passing fee (IC 33-37-5-50).**
- (37) An open container fee (IC 33-37-5-51).**
- (38) An improper passing to the left of the center line fee (IC 33-37-5-52).**
- (39) An operating a vehicle with a controlled substance fee (IC 33-37-5-53).**
- (40) An operating a vehicle while intoxicated resulting in injury fee (IC 33-37-5-54).**
- (41) A failure to stop at an accident fee (IC 33-37-5-55).**
- (42) A zero (0) tolerance for individuals less than twenty-one (21) years of age who drive under the influence fee (IC 33-37-5-56).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

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(1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).

(2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

(3) The deferral program fee (subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

(1) The defendant was charged with an ordinance violation subject to IC 33-36.

(2) The defendant denied the violation under IC 33-36-3.

(3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).

(4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 7. IC 33-37-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 30. (a) This section applies to infractions committed under IC 9-21-5.**

(b) The clerk shall collect a speeding violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-5.

SECTION 8. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31. (a) This section applies to infractions committed under IC 9-19-10.**

(b) The clerk shall collect a passenger restraint violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-19-10.

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SECTION 9. IC 33-37-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 32. (a) This section applies to infractions committed under IC 9-24-19-1.**

(b) The clerk shall collect a driving while a license is suspended fee of eighteen dollars (\$18) for each infraction committed under IC 9-24-19-1.

SECTION 10. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 33. (a) This section applies to misdemeanors committed under IC 9-30-5-2.**

(b) The clerk shall collect an operating while intoxicated and endangering a person fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-2.

SECTION 11. IC 33-37-5-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 34. (a) This section applies to infractions committed under IC 9-21-8-32.**

(b) The clerk shall collect a disregard for stop sign fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-32.

SECTION 12. IC 33-37-5-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 35. (a) This section applies to infractions committed under IC 9-21-3-7.**

(b) The clerk shall collect a disregard of traffic signal fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-3-7.

SECTION 13. IC 33-37-5-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 36. (a) This section applies to misdemeanors committed under IC 9-30-5-1.**

(b) The clerk shall collect an operating while intoxicated fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-1.

SECTION 14. IC 33-37-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 37. (a) This section applies to infractions committed under IC 9-19-11-2.**

(b) The clerk shall collect a child restraint violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-19-11-2.

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SECTION 15. IC 33-37-5-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 38. (a) This section applies to infractions committed under IC 9-21-8-41.**

(b) The clerk shall collect a disregard of traffic control device fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-41.

SECTION 16. IC 33-37-5-39 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 39. (a) This section applies to felonies committed under IC 9-30-5-3.**

(b) The clerk shall collect a prior operating while intoxicated fee of eighteen dollars (\$18) for each felony committed under IC 9-30-5-3.

SECTION 17. IC 33-37-5-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 40. (a) This section applies to infractions committed under IC 9-21-8-14.**

(b) The clerk shall collect a following too closely fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-14.

SECTION 18. IC 33-37-5-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 41. (a) This section applies to misdemeanors committed under IC 9-21-8-52.**

(b) The clerk shall collect a reckless driving fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-21-8-52.

SECTION 19. IC 33-37-5-42 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 42. (a) This section applies to infractions committed under IC 9-21-8-11.**

(b) The clerk shall collect an unsafe lane movement fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-11.

SECTION 20. IC 33-37-5-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 43. (a) This section applies to infractions committed under IC 9-21-8-33.**

(b) The clerk shall collect a yield sign violation fee for each infraction committed under IC 9-21-8-33.

SECTION 21. IC 33-37-5-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 44. (a) This section applies to**

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1 **infractions committed under IC 9-21-8-21.**

2 **(b) The clerk shall collect an improper turn at intersection fee**
 3 **of eighteen dollars (\$18) for each infraction committed under**
 4 **IC 9-21-8-21.**

5 SECTION 22. IC 33-37-5-45 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2009]: **Sec. 45. (a) This section applies to**
 8 **infractions committed under IC 9-21-8-4.**

9 **(b) The clerk shall collect a driving left of center fee of eighteen**
 10 **dollars (\$18) for each infraction committed under IC 9-21-8-4.**

11 SECTION 23. IC 33-37-5-46 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2009]: **Sec. 46. (a) This section applies to**
 14 **misdemeanors and felonies under IC 35-48-4-15.**

15 **(b) The clerk shall collect an offense relating to controlled**
 16 **substances while using a motor vehicle fee of eighteen dollars (\$18)**
 17 **for each misdemeanor or felony committed under IC 35-48-4-15.**

18 SECTION 24. IC 33-37-5-47 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2009]: **Sec. 47. (a) This section applies to**
 21 **infractions committed under IC 9-21-4-12.**

22 **(b) The clerk shall collect a passing in a no passing zone fee of**
 23 **eighteen dollars (\$18) for each infraction committed under**
 24 **IC 9-21-4-12.**

25 SECTION 25. IC 33-37-5-48 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2009]: **Sec. 48. (a) This section applies to**
 28 **infractions committed under IC 9-21-8-2.**

29 **(b) The clerk shall collect a driving on the wrong side of the**
 30 **road fee of eighteen dollars (\$18) for each infraction committed**
 31 **under IC 9-21-8-2.**

32 SECTION 26. IC 33-37-5-49 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2009]: **Sec. 49. (a) This section applies to**
 35 **infractions committed under IC 9-21-8-9.**

36 **(b) The clerk shall collect a driving the wrong way on a one-way**
 37 **road fee of eighteen dollars (\$18) for each infraction committed**
 38 **under IC 9-21-8-9.**

39 SECTION 27. IC 33-37-5-50 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2009]: **Sec. 50. (a) This section applies to**
 42 **infractions committed under IC 9-21-8-5.**

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1 **(b) The clerk shall collect an improper passing fee of eighteen**
 2 **dollars (\$18) for each infraction committed under IC 9-21-8-5.**

3 SECTION 28. IC 33-37-5-51 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2009]: **Sec. 51. (a) This section applies to**
 6 **infractions committed under IC 9-30-15-3.**

7 **(b) The clerk shall collect an open container fee of eighteen**
 8 **dollars (\$18) for each infraction committed under IC 9-30-15-3.**

9 SECTION 29. IC 33-37-5-52 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2009]: **Sec. 52. (a) This section applies to**
 12 **infractions committed under IC 9-21-8-7.**

13 **(b) The clerk shall collect an improper passing to the left of the**
 14 **center line fee of eighteen dollars (\$18) for each infraction**
 15 **committed under IC 9-21-8-7.**

16 SECTION 30. IC 33-37-5-53 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2009]: **Sec. 53. (a) This section applies to**
 19 **misdemeanors committed under IC 9-30-5-1(c).**

20 **(b) The clerk shall collect an operating a vehicle with a**
 21 **controlled substance fee of eighteen dollars (\$18) for each**
 22 **misdemeanor committed under IC 9-30-5-1(c).**

23 SECTION 31. IC 33-37-5-54 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2009]: **Sec. 54. (a) This section applies to**
 26 **felonies committed under IC 9-30-5-4.**

27 **(b) The clerk shall collect an operating a vehicle while**
 28 **intoxicated resulting in injury fee of eighteen dollars (\$18) for each**
 29 **felony committed under IC 9-30-5-4.**

30 SECTION 32. IC 33-37-5-55 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2009]: **Sec. 55. (a) This section applies to**
 33 **misdemeanors and felonies committed under IC 9-26-1-1(1).**

34 **(b) The clerk shall collect a failure to stop at an accident fee of**
 35 **eighteen dollars (\$18) for each misdemeanor or felony committed**
 36 **under IC 9-26-1-1(1).**

37 SECTION 33. IC 33-37-5-56 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2009]: **Sec. 56. (a) This section applies to**
 40 **infractions committed under IC 9-30-5-8.5.**

41 **(b) The clerk shall collect a zero (0) tolerance for individuals less**
 42 **than twenty-one (21) years of age who drive under the influence fee**

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1 **of eighteen dollars (\$18) for each infraction committed under**
 2 **IC 9-30-5-8.5.**

3 SECTION 34. IC 33-37-7-2, AS AMENDED BY P.L.122-2008,
 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2009]: Sec. 2. (a) The clerk of a circuit court shall distribute
 6 semiannually to the auditor of state as the state share for deposit in the
 7 state general fund seventy percent (70%) of the amount of fees
 8 collected under the following:

- 9 (1) IC 33-37-4-1(a) (criminal costs fees).
- 10 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 11 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 12 (4) IC 33-37-4-4(a) (civil costs fees).
- 13 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 14 (6) IC 33-37-4-7(a) (probate costs fees).
- 15 (7) IC 33-37-5-17 (deferred prosecution fees).

16 (b) The clerk of a circuit court shall distribute semiannually to the
 17 auditor of state for deposit in the state user fee fund established in
 18 IC 33-37-9-2 the following:

- 19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 20 interdiction, and correction fees collected under
 21 IC 33-37-4-1(b)(5).
- 22 (2) Twenty-five percent (25%) of the alcohol and drug
 23 countermeasures fees collected under IC 33-37-4-1(b)(6),
 24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 25 (3) Fifty percent (50%) of the child abuse prevention fees
 26 collected under IC 33-37-4-1(b)(7).
- 27 (4) One hundred percent (100%) of the domestic violence
 28 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 29 (5) One hundred percent (100%) of the highway work zone fees
 30 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 31 (6) One hundred percent (100%) of the safe schools fee collected
 32 under IC 33-37-5-18.
- 33 (7) One hundred percent (100%) of the automated record keeping
 34 fee (IC 33-37-5-21).

35 (c) The clerk of a circuit court shall distribute monthly to the county
 36 auditor the following:

- 37 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 38 interdiction, and correction fees collected under
 39 IC 33-37-4-1(b)(5).
- 40 (2) Seventy-five percent (75%) of the alcohol and drug
 41 countermeasures fees collected under IC 33-37-4-1(b)(6),
 42 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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1 The county auditor shall deposit fees distributed by a clerk under this
 2 subsection into the county drug free community fund established under
 3 IC 5-2-11.

4 (d) The clerk of a circuit court shall distribute monthly to the county
 5 auditor fifty percent (50%) of the child abuse prevention fees collected
 6 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
 7 distributed by a clerk under this subsection into the county child
 8 advocacy fund established under IC 12-17-17.

9 (e) The clerk of a circuit court shall distribute monthly to the county
 10 auditor one hundred percent (100%) of the late payment fees collected
 11 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 12 by a clerk under this subsection as follows:

13 (1) If directed to do so by an ordinance adopted by the county
 14 fiscal body, the county auditor shall deposit forty percent (40%)
 15 of the fees in the clerk's record perpetuation fund established
 16 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 17 county general fund.

18 (2) If the county fiscal body has not adopted an ordinance
 19 described in subdivision (1), the county auditor shall deposit all
 20 the fees in the county general fund.

21 (f) The clerk of the circuit court shall distribute semiannually to the
 22 auditor of state for deposit in the sexual assault victims assistance
 23 account established by IC 5-2-6-23(h) one hundred percent (100%) of
 24 the sexual assault victims assistance fees collected under
 25 IC 33-37-5-23.

26 (g) The clerk of a circuit court shall distribute monthly to the county
 27 auditor the following:

28 (1) One hundred percent (100%) of the support and maintenance
 29 fees for cases designated as non-Title IV-D child support cases in
 30 the Indiana support enforcement tracking system (ISETS)
 31 collected under IC 33-37-5-6.

32 (2) The percentage share of the support and maintenance fees for
 33 cases designated as **Title** IV-D child support cases in ISETS
 34 collected under IC 33-37-5-6 that is reimbursable to the county at
 35 the federal financial participation rate.

36 The county clerk shall distribute monthly to the office of the secretary
 37 of family and social services the percentage share of the support and
 38 maintenance fees for cases designated as Title IV-D child support cases
 39 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
 40 county at the applicable federal financial participation rate.

41 (h) The clerk of a circuit court shall distribute monthly to the county
 42 auditor the following:

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(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(m) The clerk of a circuit court shall distribute monthly to the auditor of state:

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- 1 (1) the speeding violation fee collected under IC 33-37-5-30;
- 2 (2) the passenger restraint violation fee collected under
- 3 IC 33-37-5-31;
- 4 (3) a driving while a license is suspended fee under
- 5 IC 33-37-5-32;
- 6 (4) an operating while intoxicated and endangering a person
- 7 fee under IC 33-37-5-33;
- 8 (5) a disregard for stop sign fee under IC 33-37-5-34;
- 9 (6) a disregard of traffic signal fee under IC 33-37-5-35;
- 10 (7) an operating while intoxicated fee under IC 33-37-5-36;
- 11 (8) a child restraint violation fee under IC 33-37-5-37;
- 12 (9) a disregard of traffic control device fee under
- 13 IC 33-37-5-38;
- 14 (10) a prior operating while intoxicated fee under
- 15 IC 33-37-5-39;
- 16 (11) a following too closely fee under IC 33-37-5-40;
- 17 (12) a reckless driving fee under IC 33-37-5-41;
- 18 (13) an unsafe lane movement fee under IC 33-37-5-42;
- 19 (14) a yield sign violation fee under IC 33-37-5-43;
- 20 (15) an improper turn at intersection fee under IC 33-37-5-44;
- 21 (16) a driving left of center fee under IC 33-37-5-45;
- 22 (17) an offense relating to controlled substances while using
- 23 a motor vehicle fee under IC 33-37-5-46;
- 24 (18) a passing in a no passing zone fee under IC 33-37-5-47;
- 25 (19) a driving on the wrong side of the road fee under
- 26 IC 33-37-5-48;
- 27 (20) a driving the wrong way on a one-way road fee under
- 28 IC 33-37-5-49;
- 29 (21) an improper passing fee under IC 33-37-5-50;
- 30 (22) an open container fee under IC 33-37-5-51;
- 31 (23) an improper passing to the left of the center line fee
- 32 under IC 33-37-5-52;
- 33 (24) an operating a vehicle with a controlled substance fee
- 34 under IC 33-37-5-53;
- 35 (25) an operating a vehicle while intoxicated resulting in
- 36 injury fee under IC 33-37-5-54;
- 37 (26) a failure to stop at an accident fee under IC 33-37-5-55;
- 38 and
- 39 (27) a zero (0) tolerance for individuals less than twenty-one
- 40 (21) years of age who drive under the influence fee under
- 41 IC 33-37-5-56;
- 42 for deposit in the trauma care hospital fund established by

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1 IC 16-21-10-2.

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ES 464—LS 7501/DI 104+



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 464, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 22, delete "The chairperson of the Indiana Committee on Trauma." and insert "**A representative from an Indiana hospital.**".

Page 2, between lines 22 and 23, begin a new line blocked left and insert:

"The governor shall appoint the chairperson of the committee."

and when so amended that said bill do pass.

(Reference is to SB 464 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 464 be amended to read as follows:

Page 2, line 9, delete "Seven (7)" and insert "**Eight (8)**".

Page 2, line 12, delete "room" and insert "**medicine**".

(Reference is to SB 464 as printed February 6, 2009.)

WYSS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 464, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 16-18-2-143, AS AMENDED BY P.L.102-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 143. (a) **"Fund", for purposes of IC 16-21-10, has the meaning set forth in IC 16-21-10-1.**

ES 464—LS 7501/DI 104+



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~~(a)~~ (b) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

~~(b)~~ (c) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.

~~(c)~~ (d) "Fund", for purposes of IC 16-41-39.4, refers to the childhood lead poisoning prevention fund established by IC 16-41-39.4-3.1.

~~(d)~~ (e) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

~~(e)~~ (f) "Fund", for purposes of IC 16-46-12, has the meaning set forth in IC 16-46-12-1.

~~(f)~~ (g) "Fund", for purposes of IC 16-41-42.2, has the meaning set forth in IC 16-41-42.2-2."

Page 2, line 3, delete "members appointed by the" and insert **"members:"**.

Page 2, delete line 4

Page 2, delete lines 9 through 11, begin a new line block indented and insert:

"(3) One (1) physician licensed under IC 25-22.5 appointed by each hospital in Indiana that has an accredited level I or level II trauma center."

Page 2, line 13, after "IC 25-22.5" insert **"appointed by the Indiana Chapter of the American College of Emergency Physicians"**.

Page 2, line 14, after "provider" insert **"appointed by the speaker of the house"**.

Page 2, line 15, after "services" insert **"appointed by the president pro tempore of the senate"**.

Page 2, line 17, after "coordinators" insert **"appointed by the governor"**.

Page 2, line 20, after "a" insert **"level I or level II"**.

Page 2, line 21, delete "Gary." and insert **"Gary; appointed by the Indiana State Medical Association."**

Page 2, line 22, delete "an Indiana hospital." and insert **"the Indiana Hospital Association that is not from Marion County."**

Page 2, line 23, delete "governor" and insert **"health commissioner"**.

Page 2, line 24, delete "Members" and insert **"Appointed members"**.

Page 2, line 25, delete "governor" and insert **"appointing authority"**.

Page 2, line 26, delete "governor" and insert **"appointing authority"**.



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Page 2, after line 35, begin a new paragraph and insert:

"SECTION 5. IC 16-21-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 10. Trauma Care Hospital Fund

Sec. 1. As used in this chapter, "fund" refers to the trauma care hospital fund established by section 2 of this chapter.

Sec. 2. (a) The trauma care hospital fund is established to assist in funding a trauma care system to prevent injuries, save lives, and improve the care and outcome of individuals injured in Indiana.

(b) The fund shall be administered by the state department.

(c) The fund consists of:

- (1)** appropriations;
- (2)** gifts and bequests;
- (3)** fees deposited in the fund under IC 33-37-7-2; and
- (4)** grants received from the federal government or private sources.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 3. The fund is to be used to establish and maintain an appropriate level of trauma care access in Indiana.

Sec. 4. (a) The state department shall make quarterly payments from the fund to a hospital with a level I or a level II trauma care center. The state department shall determine the amount to be paid to a trauma care center hospital described in this section, factoring in the following:

- (1)** Whether the hospital is designated as a level I or a level II trauma care center.
- (2)** The number of trauma care patients provided care by the trauma care center in the previous quarter.

(b) The state department may determine whether to make a payment from the fund to a hospital that is attempting to obtain level I or level II trauma care center designation based on whether there is an unmet trauma care need in the area of Indiana where the hospital is located.

Sec. 5. The state department shall adopt rules under IC 4-22-2 to implement this chapter.

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SECTION 6. IC 33-37-4-2, AS AMENDED BY P.L.176-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (5) A highway work zone fee (IC 33-37-5-14).
- (6) A deferred prosecution fee (IC 33-37-5-17).
- (7) A jury fee (IC 33-37-5-19).
- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) A public defense administration fee (IC 33-37-5-21.2).
- (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).
- (16) A speeding violation fee (IC 33-37-5-30).**
- (17) A passenger restraint violation fee (IC 33-37-5-31).**
- (18) A driving while a license is suspended fee (IC 33-37-5-32).**
- (19) An operating while intoxicated and endangering a person fee (IC 33-37-5-33).**
- (20) A disregard for stop sign fee (IC 33-37-5-34).**
- (21) A disregard of traffic signal fee (IC 33-37-5-35).**
- (22) An operating while intoxicated fee (IC 33-37-5-36).**
- (23) A child restraint violation fee (IC 33-37-5-37).**
- (24) A disregard of traffic control device fee (IC 33-37-5-38).**
- (25) A prior operating while intoxicated fee (IC 33-37-5-39).**
- (26) A following too closely fee (IC 33-37-5-40).**

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- (27) A reckless driving fee (IC 33-37-5-41).
- (28) An unsafe lane movement fee (IC 33-37-5-42).
- (29) A yield sign violation fee (IC 33-37-5-43).
- (30) An improper turn at intersection fee (IC 33-37-5-44).
- (31) A driving left of center fee (IC 33-37-5-45).
- (32) An offense relating to controlled substances while using a motor vehicle fee (IC 33-37-5-46).
- (33) A passing in a no passing zone fee (IC 33-37-5-47).
- (34) A driving on the wrong side of the road fee (IC 33-37-5-48).
- (35) A driving the wrong way on a one-way road fee (IC 33-7-5-49).
- (36) An improper passing fee (IC 33-37-5-50).
- (37) An open container fee (IC 33-37-5-51).
- (38) An improper passing to the left of the center line fee (IC 33-37-5-52).
- (39) An operating a vehicle with a controlled substance fee (IC 33-37-5-53).
- (40) An operating a vehicle while intoxicated resulting in injury fee (IC 33-37-5-54).
- (41) A failure to stop at an accident fee (IC 33-37-5-55).
- (42) A zero (0) tolerance for individuals less than twenty-one (21) years of age who drive under the influence fee (IC 33-37-5-56).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- (2) The defendant denied the violation under IC 33-36-3.
- (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (4) The defendant was tried and the court entered judgment for

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the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 7. IC 33-37-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 30. (a) This section applies to infractions committed under IC 9-21-5.**

(b) The clerk shall collect a speeding violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-5.

SECTION 8. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31. (a) This section applies to infractions committed under IC 9-19-10.**

(b) The clerk shall collect a passenger restraint violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-19-10.

SECTION 9. IC 33-37-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 32. (a) This section applies to infractions committed under IC 9-24-19-1.**

(b) The clerk shall collect a driving while a license is suspended fee of eighteen dollars (\$18) for each infraction committed under IC 9-24-19-1.

SECTION 10. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 33. (a) This section applies to misdemeanors committed under IC 9-30-5-2.**

(b) The clerk shall collect an operating while intoxicated and endangering a person fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-2.

SECTION 11. IC 33-37-5-34 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 34. (a) This section applies to infractions committed under IC 9-21-8-32.**

(b) The clerk shall collect a disregard for stop sign fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-32.

SECTION 12. IC 33-37-5-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 35. (a) This section applies to infractions committed under IC 9-21-3-7.**

(b) The clerk shall collect a disregard of traffic signal fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-3-7.

SECTION 13. IC 33-37-5-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 36. (a) This section applies to misdemeanors committed under IC 9-30-5-1.**

(b) The clerk shall collect an operating while intoxicated fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-1.

SECTION 14. IC 33-37-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 37. (a) This section applies to infractions committed under IC 9-19-11-2.**

(b) The clerk shall collect a child restraint violation fee of eighteen dollars (\$18) for each infraction committed under IC 9-19-11-2.

SECTION 15. IC 33-37-5-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 38. (a) This section applies to infractions committed under IC 9-21-8-41.**

(b) The clerk shall collect a disregard of traffic control device fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-41.

SECTION 16. IC 33-37-5-39 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 39. (a) This section applies to felonies committed under IC 9-30-5-3.**

(b) The clerk shall collect a prior operating while intoxicated fee of eighteen dollars (\$18) for each felony committed under IC 9-30-5-3.

SECTION 17. IC 33-37-5-40 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 40. (a) This section applies to infractions committed under IC 9-21-8-14.**

(b) The clerk shall collect a following too closely fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-14.

SECTION 18. IC 33-37-5-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 41. (a) This section applies to misdemeanors committed under IC 9-21-8-52.**

(b) The clerk shall collect a reckless driving fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-21-8-52.

SECTION 19. IC 33-37-5-42 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 42. (a) This section applies to infractions committed under IC 9-21-8-11.**

(b) The clerk shall collect an unsafe lane movement fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-11.

SECTION 20. IC 33-37-5-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 43. (a) This section applies to infractions committed under IC 9-21-8-33.**

(b) The clerk shall collect a yield sign violation fee for each infraction committed under IC 9-21-8-33.

SECTION 21. IC 33-37-5-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 44. (a) This section applies to infractions committed under IC 9-21-8-21.**

(b) The clerk shall collect an improper turn at intersection fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-21.

SECTION 22. IC 33-37-5-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 45. (a) This section applies to infractions committed under IC 9-21-8-4.**

(b) The clerk shall collect a driving left of center fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-4.

SECTION 23. IC 33-37-5-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 46. (a) This section applies to misdemeanors and felonies under IC 35-48-4-15.**

(b) The clerk shall collect an offense relating to controlled

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substances while using a motor vehicle fee of eighteen dollars (\$18) for each misdemeanor or felony committed under IC 35-48-4-15.

SECTION 24. IC 33-37-5-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 47. (a) This section applies to infractions committed under IC 9-21-4-12.**

(b) The clerk shall collect a passing in a no passing zone fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-4-12.

SECTION 25. IC 33-37-5-48 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 48. (a) This section applies to infractions committed under IC 9-21-8-2.**

(b) The clerk shall collect a driving on the wrong side of the road fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-2.

SECTION 26. IC 33-37-5-49 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 49. (a) This section applies to infractions committed under IC 9-21-8-9.**

(b) The clerk shall collect a driving the wrong way on a one-way road fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-9.

SECTION 27. IC 33-37-5-50 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 50. (a) This section applies to infractions committed under IC 9-21-8-5.**

(b) The clerk shall collect an improper passing fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-5.

SECTION 28. IC 33-37-5-51 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 51. (a) This section applies to infractions committed under IC 9-30-15-3.**

(b) The clerk shall collect an open container fee of eighteen dollars (\$18) for each infraction committed under IC 9-30-15-3.

SECTION 29. IC 33-37-5-52 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 52. (a) This section applies to infractions committed under IC 9-21-8-7.**

(b) The clerk shall collect an improper passing to the left of the center line fee of eighteen dollars (\$18) for each infraction committed under IC 9-21-8-7.

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SECTION 30. IC 33-37-5-53 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 53. (a) This section applies to misdemeanors committed under IC 9-30-5-1(c).**

(b) The clerk shall collect an operating a vehicle with a controlled substance fee of eighteen dollars (\$18) for each misdemeanor committed under IC 9-30-5-1(c).

SECTION 31. IC 33-37-5-54 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 54. (a) This section applies to felonies committed under IC 9-30-5-4.**

(b) The clerk shall collect an operating a vehicle while intoxicated resulting in injury fee of eighteen dollars (\$18) for each felony committed under IC 9-30-5-4.

SECTION 32. IC 33-37-5-55 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 55. (a) This section applies to misdemeanors and felonies committed under IC 9-26-1-1(1).**

(b) The clerk shall collect a failure to stop at an accident fee of eighteen dollars (\$18) for each misdemeanor or felony committed under IC 9-26-1-1(1).

SECTION 33. IC 33-37-5-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 56. (a) This section applies to infractions committed under IC 9-30-5-8.5.**

(b) The clerk shall collect a zero (0) tolerance for individuals less than twenty-one (21) years of age who drive under the influence fee of eighteen dollars (\$18) for each infraction committed under IC 9-30-5-8.5.

SECTION 34. IC 33-37-7-2, AS AMENDED BY P.L.122-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:**

- (1) IC 33-37-4-1(a) (criminal costs fees).**
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).**
- (3) IC 33-37-4-3(a) (juvenile costs fees).**
- (4) IC 33-37-4-4(a) (civil costs fees).**
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).**
- (6) IC 33-37-4-7(a) (probate costs fees).**
- (7) IC 33-37-5-17 (deferred prosecution fees).**



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(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established

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under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as **Title** IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under

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IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(m) The clerk of a circuit court shall distribute monthly to the auditor of state:

(1) the speeding violation fee collected under IC 33-37-5-30;

(2) the passenger restraint violation fee collected under IC 33-37-5-31;

(3) a driving while a license is suspended fee under IC 33-37-5-32;

(4) an operating while intoxicated and endangering a person fee under IC 33-37-5-33;

(5) a disregard for stop sign fee under IC 33-37-5-34;

(6) a disregard of traffic signal fee under IC 33-37-5-35;

(7) an operating while intoxicated fee under IC 33-37-5-36;

(8) a child restraint violation fee under IC 33-37-5-37;

(9) a disregard of traffic control device fee under IC 33-37-5-38;

(10) a prior operating while intoxicated fee under IC 33-37-5-39;

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- (11) a following too closely fee under IC 33-37-5-40;
- (12) a reckless driving fee under IC 33-37-5-41;
- (13) an unsafe lane movement fee under IC 33-37-5-42;
- (14) a yield sign violation fee under IC 33-37-5-43;
- (15) an improper turn at intersection fee under IC 33-37-5-44;
- (16) a driving left of center fee under IC 33-37-5-45;
- (17) an offense relating to controlled substances while using a motor vehicle fee under IC 33-37-5-46;
- (18) a passing in a no passing zone fee under IC 33-37-5-47;
- (19) a driving on the wrong side of the road fee under IC 33-37-5-48;
- (20) a driving the wrong way on a one-way road fee under IC 33-37-5-49;
- (21) an improper passing fee under IC 33-37-5-50;
- (22) an open container fee under IC 33-37-5-51;
- (23) an improper passing to the left of the center line fee under IC 33-37-5-52;
- (24) an operating a vehicle with a controlled substance fee under IC 33-37-5-53;
- (25) an operating a vehicle while intoxicated resulting in injury fee under IC 33-37-5-54;
- (26) a failure to stop at an accident fee under IC 33-37-5-55;
- and
- (27) a zero (0) tolerance for individuals less than twenty-one (21) years of age who drive under the influence fee under IC 33-37-5-56;

for deposit in the trauma care hospital fund established by IC 16-21-10-2."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 464 as reprinted February 10, 2009.)

BROWN C, Chair

Committee Vote: yeas 9, nays 2.

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